

Swiss banks in the American crosshairs

*Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),
Solicitor (England & Wales)*

After the agreement concerning UBS, the American justice authorities extended their investigations to other Swiss banks. The St Gallen bank Wegelin, prosecuted in the United States, ceased its activities, as Part D recalled. Other institutions, including Credit Suisse, were subjected to thorough investigations.¹ The American authorities demanded information on clients, on relationship managers and on flows of funds.

Switzerland sought a global solution. According to *Le Temps*, in 2012 Bern authorised eleven banks, including Credit Suisse, HSBC, Julius Baer and the cantonal banks of Basel and Zurich, to deliver data to the United States, names of employees included, in the hope of escaping the American courts.² The transmission of employees' names caused considerable outrage and legal proceedings in Switzerland, where the Geneva Cour de justice would later hold that the sending to the United States of the data of a Credit Suisse employee was unlawful.³

The government then proposed an emergency law, nicknamed the “Lex USA”, intended to allow the banks to settle their dispute with the United States. After its rejection by the National Council, the Federal Council presented an alternative solution on 3 July 2013.⁴ On 29 August 2013, Switzerland and the United States signed an agreement allowing the banks to regularise their position.⁵

The American programme divided the banks into several categories. Category 2, the largest, brought together the institutions that voluntarily acknowledged having taken on undeclared American clients and that wished to conclude a non-prosecution agreement with the Department of Justice.⁶ These banks had to provide detailed information on their relationships with American clients, on flows of funds to other institutions and on their practices, and then pay a penalty calculated by reference to the undeclared assets. Banks already the subject of a criminal investigation,

such as Pictet, were dealt with separately and formally remained outside the programme.⁷

A former UBS executive, Raoul Weil, arrested in Italy in October 2013 and extradited to the United States, was acquitted by a jury at the end of a three-week trial.⁸ This outcome serves as a reminder that individual prosecutions of Swiss bankers have met with varying results.

1 Notes

1. Guilty plea of Credit Suisse of 19 May 2014 for aiding and abetting tax fraud, with total penalties of USD 2.6 billion (USD 1.8 billion to the Department of Justice, USD 100 million to the Federal Reserve, USD 715 million to the New York State Department of Financial Services); U.S. Department of Justice, “Credit Suisse Pleads Guilty to Conspiracy to Aid and Assist U.S. Taxpayers in Filing False Returns”, press release of 19 May 2014, justice.gov. ↩
2. “Dès 2008, les événements qui conduiront à la mort du secret bancaire se succèdent”, *Le Temps*, 15 December 2013. ↩
3. “Le fisc américain encaisse 740 millions”, *Tribune de Genève*, 19 December 2015. ↩
4. *Le Temps*, 15 December 2013, cited above. ↩
5. “UBS versus USA, une longue histoire”, swissinfo.ch (accessed September 2026); “Sérieuse amende pour Lombard Odier & Cie SA”, *Tribune de Genève*, 3 January 2016, which states that the regularisation programme came into force on 29 August 2013. ↩
6. *Tribune de Genève*, 3 January 2016, cited above. ↩
7. *Tribune de Genève*, 19 December 2015, cited above. ↩
8. swissinfo.ch, “UBS versus USA, une longue histoire”, cited above. ↩

For general information only. This article does not constitute legal or tax advice, does not replace advice on an individual case and creates no lawyer-client relationship. It reflects the legal position as of September 2026.

Online version: helveticaregister.com/geneva-swiss-banks-in-the-american-crosshairs